

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
OCTOBER 13, 2010**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Gordon Cross, Charles Lapp, Marc Pitman, Jim Heim, Jeff Larsen and Bob Keenan. Frank DeKort, Marie Hickey-AuClaire and Mike Mower had excused absences. BJ Grieve, Alex Hogle and Andrew Hagemeyer represented the Flathead County Planning & Zoning Office.

There were 29 people in the audience.

**APPROVAL OF
MINUTES**

Keenan made a motion, seconded by Larsen to approve the September 8 and September 15, 2010 meeting minutes.

The motion passed by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**MK LAND
HOLDINGS LLC
(FZC 10-06)**

A Zone Change request in the Evergreen Zoning District by MK Land Holdings, LLC. The proposal would change the zoning on .59 acres, from R-2, (One-Family Limited Residential) to B-2, (General Business). The property is located at 1347 Highway 2 East.

STAFF REPORT

Hogle reviewed Staff Report FZC 10-06 for the Board.

**BOARD
QUESTIONS**

Cross and Hogle discussed briefly property owners who did not want to become part of the zone change, the reasons why and the fact they were dual zoned.

**APPLICANT
PRESENTATION**

Dawn Marquardt from Marquardt Surveying explained this application was more of a housekeeping issue for what the property had been considered which was mostly commercial space. She went on to elaborate.

**BOARD
QUESTIONS**

None.

AGENCY COMMENTS	None.
PUBLIC COMMENT	None.
APPLICANT REBUTTAL	None.
STAFF REBUTTAL	None.
MAIN MOTION TO ADOPT F.O.F. (FZC 10-06)	Pitman made a motion seconded by Larsen to adopt staff report FZC 10-06 as findings-of-fact.
BOARD DISCUSSION	
ROLL CALL TO ADOPT F.O.F. (FZC 10-06)	On a roll call vote the motion passed unanimously.
MAIN MOTION TO RECOMMEND APPROVAL (FZC 10-06)	Pitman made a motion seconded by Larsen to adopt Staff Report FZC 10-06 and recommend approval to the Board of County Commissioners.
BOARD DISCUSSION	Lapp and staff discussed at length how different zoning on one tract of land could exist as well as the issue of primary use.
ROLL CALL TO RECOMMEND APPROVAL OF (FZC 10-06)	On a roll call vote the motion passed unanimously.
LAKESIDE BLVD NORTH (FZD 10-01)	A Zoning request to establish the Lakeside Boulevard Zoning District, by citizens within the proposed boundaries to be zoned. The area is currently unzoned and the proposal would establish R-2 (One-Family Limited Residential) zoning along the Flathead Lake shoreline between the north boundaries of the Lakeside Zoning District, US Highway 93, the low water mark of Flathead Lake, the centerline of Caroline Point Road and the Caroline

Point Zoning District. The proposal would encompass 87.4 acres.

STAFF REPORT Andrew Hagemeyer passed out copies of public comment received since the board received their information on the application and reviewed Staff Report FZD 10-01 for the board.

BOARD QUESTIONS The board and Hagemeyer discussed how many parcels would be non conforming after this application was passed, what fee was or was not charged for the application, what happened to property which was split by Lakeside Blvd, the fee for a variance, the odds of receiving a variance, what would happen to lots which fronted Hwy 93, and the different types of variances available to owners in the area.

APPLICANT PRESENTATION Greg Schoh, 180 Lakeside Blvd, gave a brief history of the application and said the applicants wanted to retain the residential feel of the neighborhood and mitigate as much as possible the dangers of the road which affected public safety.

Brent Hall, 197 Lakeside Blvd, spoke of the traffic on the road, the percentage of approval for the application and the benefits of the zone being applied to the properties.

BOARD QUESTIONS Cross, Schoh and Hagemeyer discussed the percentage of support for the application.

AGENCY COMMENTS None.

PUBLIC COMMENT Rex Boller, 320 Lakeside Blvd, spoke as a property owner and business owner. He was in favor of the application for the residential property he owned, but wasn't in favor of his commercial property being included.

Vincent Rieger, 397 Lakeside Blvd, owner of Grant's Lakeshore LLC, wanted to state for the record his property functioned as a commercial property and went on to state in detail which commercial uses were in use on the property and to establish his historical use for the property.

Katherine Pedersen, 389 Lakeside Blvd, was not opposed in general to the application, but was put at a disadvantage by the money for a variance, so she ultimately was opposed to the application.

John Ruch, 309 Lakeside Blvd, thanked the neighborhood committee, and was in favor of the application.

Barbara Miller, 220 Tamarack Woods Drive, was in favor of the application.

Darla Harmon, 240 Lakeside Blvd, was in favor of the application.

Lona Santana, 165 Looking East Dr, was in favor of the application.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZD 10-01)**

Pitman made a motion seconded by Heim to adopt staff report FZD 10-01 as findings-of-fact.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote, the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL
(FZD 10-01)**

Heim made a motion seconded by Pitman to recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

The board and staff discussed when a variance would be needed on properties, commercial use on existing lots, and vacation rentals.

Keenan suggested an alternate motion to waive the variance fee if people whose property was included in the application wanted to apply for a variance.

Grieve said it was not recommended and elaborated why that was the case.

The board and staff discussed how many more lots would be possible in this application, why fees were not charged for establishing new zoning districts, and if there was a way to not include property owners who were opposed to the zoning. They also discussed at length zoning to the south of the application, where the swimming area was in relation to the application, if they could move the southernmost lots included in the application to the southern zoning area, what that zoning was specifically, what that move would entail and grandfathered uses.

Katherine Pederson was recognized by Cross and asked to remain in the application zoning.

**ROLL CALL
TO
RECOMMEND
APPROVAL OF
(FZD 10-01)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Hagemeier announced to the audience what the next steps were concerning the application.

Cross called a 5 minute recess.

The meeting resumed at 7:28.

**COMMITTEE
REPORTS**

Cross said neither of the committees had met since the last board meeting to his knowledge.

OLD BUSINESS

Cross brought up the first item under old business which was text amendment FZTA-10-02 (Noonan et al) and thought the intention was to postpone the hearing on the file until after the workshops were held. Nothing could be done with the map amendment until the text amendment was passed.

The board and staff discussed possible meeting times.

**MOTION TO
POSTPONE
FZTA 10-02
UNTIL
11/10/10
PLANNING
BOARD
MEETING
UNDER OLD
BUSINESS**

Lapp motioned and Pitman seconded to postpone the hearing of FZTA 10-02 until 11/10/10 under old business.

**BOARD
DISCUSSION**

The board and Grieve clarified exactly what the motion was and how it fit into the overall picture of the text amendment and zone change which was proposed by the same applicant and possible ways to proceed.

Grieve asked if there needed to be any clarifications on emails he had sent regarding procedures concerning these applications.

The board and Grieve discussed work staff performed without fees being collected.

**ROLL CALL TO
POSTPONE
FZTA 10-02
UNTIL
11/10/10
PLANNING
BOARD
MEETING
UNDER OLD
BUSINESS**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

The board and Grieve discussed at length what services the planning office should charge for, the history of fees, and how the motion should be worded. They also discussed when the county should initiate zoning.

**MOTION TO
PROPOSE TO
THE
COMMISSIONERS
A FEE FOR
PRIVATELY
INITIATED NEW
ZONING
DISTRICTS**

Lapp motioned and Larsen seconded to propose to the commissioners a fee for privately initiated new zoning districts.

**VOTE TO
PROPOSE TO
THE
COMMISSIONERS
A FEE FOR
PRIVATELY
INITIATED NEW
ZONING
DISTRICTS**

The motion passed unanimously.

**CONTINUATION
OF OLD
BUSINESS**

The board and Grieve discussed when and where future meetings were to take place, agendas for those meetings, a growth policy workshop which would be on 10/20/10 and the process which would need to be followed after the workshop.

NEW BUSINESS

Hagemeier said a draft of the Ashley Lake Neighborhood Plan had been completed and the people who worked on the draft would like to hold a workshop with the planning board. He said they would like a public hearing in the summer due to the seasonal nature of the residents of the area. He passed out copies of the draft.

Cross suggested the workshops be held after new members were appointed to the board once the new year began.

Grieve updated the board on the interim work plan he had passed around to various groups, and other meetings he had scheduled to discuss the work plan with other groups. He explained an oversight which had happened in the subdivision regulations in 2004 and what was being done to remedy the situation. He also explained a request in CALURS to expand the Middle Canyon commercial area.

The board and Grieve discussed what that expansion would entail and the history of how the request came to be. They also discussed board training and how it could be improved as well as the best time of the year to have it.

ADJOURNMENT The meeting was adjourned at approximately 8:30 pm. on a motion by Keenan. The next meeting will be held at 6:00 p.m. on November 10, 2010.

Gordon Cross, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 11/10/10*